

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

\* \* \*

RONALD ALLISON,  
Plaintiff,

v.

Z. PIEKARSKI, Metropolitan Police Officer;  
and D. NESHEWAT, Metropolitan Police  
Officer,  
Defendants.

Case No. 2:21-cv-00167-APG-EJY

**ORDER**

On January 29, 2021, Plaintiff, an inmate in the custody of the Clark County Detention Center ("CCSD"), filed what appears to be a proposed complaint thereby initiating a civil action in this Court. ECF No. 1-1. Plaintiff has neither paid the \$402 filing fee for this matter, nor filed an application to proceed *in forma pauperis*.

Under 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, an inmate seeking to commence a civil action may apply to proceed *in forma pauperis*, which allows the inmate to file the civil action without prepaying the full \$402 filing fee. To apply for *in forma pauperis* status, the inmate must submit all three of the following documents to the Court:

- (1) a completed **Application to Proceed in Forma Pauperis for Inmate**, on this Court's approved form (i.e. pages 1 through 3 with the inmate's two signatures on page 3),
- (2) a **Financial Certificate** properly signed by both the inmate and a prison or jail official (i.e. page 4 of this Court's approved form), and
- (3) a copy of the **inmate's prison or jail trust fund account statement for the previous six-month period**. If Plaintiff has not been at the facility a full six-month period, Plaintiff must still submit an inmate account statement for the dates he has been present at the facility.

The Court grants Plaintiff a **one-time extension** to file a fully complete application to proceed *in forma pauperis* containing all three of the required documents or, in the alternative, pay the \$402 filing fee for this action on or before **April 2, 2021**. Absent unusual circumstances, the

1 Court will not grant any further extensions of time. If Plaintiff is unable to file a fully complete  
 2 application to proceed *in forma pauperis* with all three required documents or pay the full \$402 filing  
 3 fee on or before **April 2, 2021**, the Court will recommend dismissal of this case without prejudice  
 4 allowing Plaintiff to file a new case with the Court when Plaintiff is able to acquire all three of the  
 5 documents needed to file a fully complete application to proceed *in forma pauperis* or pay the \$402  
 6 filing fee.

7 A dismissal without prejudice means Plaintiff does not give up the right to refile the case  
 8 with the Court, under a new case number, when Plaintiff has all three documents needed to submit  
 9 with the application to proceed *in forma pauperis*. Alternatively, Plaintiff may choose not to file an  
 10 application to proceed *in forma pauperis* and instead pay the filing fee of \$402 on or before **April**  
 11 **2, 2021** to proceed with this case.

12 The Court will retain Plaintiff's complaint (ECF No. 1-1), but the Court will not file the  
 13 complaint unless and until Plaintiff timely files a fully complete application to proceed *in forma*  
 14 *pauperis* with all three documents or pays the full \$402 filing fee.

15 For the foregoing reasons,

16 IT IS HEREBY ORDERED that the Clerk of the Court shall send Plaintiff the approved form  
 17 application to proceed *in forma pauperis* by an inmate, as well as the document entitled information  
 18 and instructions for filing an *in forma pauperis* application.

19 IT IS FURTHER ORDERED that on or before **April 2, 2021**, Plaintiff shall either pay the  
 20 full \$402 filing fee for a civil action (which includes the \$350 filing fee and the \$52 administrative  
 21 fee) or file with the Court:

22 (1) a completed **Application to Proceed in Forma Pauperis for Inmate** on this Court's  
 23 approved form (i.e. pages 1 through 3 of the form with the inmate's two signatures on page  
 24 3),

25 (2) a **Financial Certificate** properly signed by both the inmate and a prison or jail official  
 26 (i.e. page 4 of this Court's approved form), and  
 27  
 28

(3) a copy of the **inmate's prison or jail trust fund account statement for the previous six-month period**. If Plaintiff has not been at the facility a full six-month period, Plaintiff must still submit an inmate account statement for the dates he has been present at the facility.

IT IS FURTHER ORDERED that, if Plaintiff does not file a fully complete application to proceed *in forma pauperis* with all three documents or pay the full \$402 filing fee for a civil action on or before **April 2, 2021**, the Court will recommend dismissal of this action without prejudice for Plaintiff to refile the case with the Court, under a new case number, when Plaintiff has all three documents needed to file a complete application to proceed *in forma pauperis* or pays the full \$402 filing fee.

IT IS FURTHER ORDERED that the Clerk of the Court shall retain Plaintiff's proposed complaint (ECF No. 1-1) but will not file it at this time.

Dated this 2nd day of February, 2021.

  
ELAYNA J. YOUCHAK  
UNITED STATES MAGISTRATE JUDGE